

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

THOMAS LEON BAHNEY,

Petitioner,

v.

CIVIL NO. 08-1203 JB/LAM

JAMES JANECKA, Warden,

Respondent.

**ORDER DENYING MOTION FOR RECONSIDERATION OF PETITIONER'S
MOTION FOR APPOINTMENT OF COUNSEL**

THIS MATTER is before the Court on Petitioner's *Motion For Reconsideration of Petitioner's Motion For Appointment of Counsel* (Doc. 9) (hereinafter "*Motion For Reconsideration*"), filed on January 20, 2009. On January 12, 2009, the Court denied Petitioner's *Motion For Appointment of Counsel* (Doc. 4), finding that Petitioner appears to understand the issues in the case and appears to be representing himself in an intelligent and capable manner. *See Order Denying Motion for Appointment of Counsel* (Doc. 8). In his *Motion For Reconsideration*, Petitioner states that "[u]p to this point in these proceedings, Petitioner has had, and greatly relied upon, the assistance of an inmate 'jailhouse lawyer,'" that this inmate "is being released soon, and can no longer assist Petitioner," and that prison policy "prohibit[s] Petitioner from obtaining assistance from another 'jailhouse lawyer,' and prohibit[s] the facility staff member in charge from providing any counsel, advice, or suggestions of any kind to Petitioner." Doc. 9 at 2 (emphasis in original).

There is no constitutional right to court-appointed counsel in a civil case. *Johnson v. Johnson*, 466 F.3d 1213, 1217 (10th Cir. 2006). The Court again considered "'the merits of the

litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims.'" *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995) (quoting *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991)). The case does not appear to raise complex or novel issues of law that might justify the appointment of counsel. Moreover, Petitioner continues to appear to understand the issues in the case and to be representing himself in an intelligent and capable manner. Therefore, his *Motion For Reconsideration* will be **DENIED**.

IT IS THEREFORE ORDERED that Petitioner's *Motion For Reconsideration of Petitioner's Motion For Appointment of Counsel* (Doc. 9) is **DENIED**; to the extent that the pleading is construed as an additional request for appointment of counsel, that request also is **DENIED**.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE